

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

GENERAL CHARLES E. “CHUCK”
YEAGER, an individual; PMN II, LLC, a
Delaware limited liability company,

Plaintiffs,

vs.

FORT KNOX SECURITY PRODUCTS,
INC., a Utah Corporation,

Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT’S
MOTION FOR OVERLENGTH
MEMORANDUM AND STRIKING
PLAINTIFFS’ OPPOSITION TO
DEFENDANT’S MOTION FOR
SUMMARY JUDGMENT

Case No. 2:11-CV-91

This matter is before the Court on Defendant’s Motion for Leave to File Overlength Reply Memorandum.¹ Defendant argues that additional pages are needed to fully refute arguments in Plaintiffs’ Opposition to Defendant’s Motion for Summary Judgment,² and to

¹Docket No. 100.

²Docket No. 90.

discuss relevant legal authorities. Defendant further argues that Plaintiffs did not comply with the spacing requirements of DUCivR 10-1(a), which requires text to be “double spaced except for quoted material and footnotes.” Thus, Defendant argues, Plaintiffs’ Opposition is actually overlength and justifies an overlength reply.

Under DUCivR 7-1(e) this Court “will approve such requests only for good cause and a showing of exceptional circumstances.” The Court does not find that Defendant has shown exceptional circumstances here. However, to avoid prejudice to Defendant, Plaintiffs’ Opposition will be stricken, and Plaintiffs will be required to re-file their opposition in accordance with DUCivR 10-1 and DUCivR 7-1. Any future violations of the local rules must be promptly brought to the attention of the Court to avoid undue delay.


It is therefore

ORDERED that Defendant’s Motion for Overlength Memorandum (Docket No. 100) is DENIED. It is further

ORDERED that Plaintiffs’ Opposition to Defendant’s Motion for Summary Judgment (Docket No. 90) is STRICKEN. Plaintiffs shall have until Monday, August 12, 2013, to re-file their Opposition in accordance with DUCivR 10-1 and DUCivR 7-1. Defendant shall have until Wednesday, August 14, 2013, to file its reply.

DATED August 8, 2013.

BY THE COURT:



TED STEWART
United States District Judge